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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,581	08/05/2003	Barry Markwitz	19530	7093

7590 04/05/2007
James A. Hudak, Esq.
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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/633,581

Applicant(s)

MARKWITZ ET AL.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20030805</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final, first office action in response to the preliminary amendment filed 08/05/2003. Claims 1-29 have been canceled. Claims 30-34 are pending and are examined below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 30-31 and 33-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Vanacore (U.S. 4,672,654).

As per claim 30, Vanacore teaches a method of defining rules for performing a guard patrol of one or more checkpoints, the method comprising the steps of:

(a) assigning an identifier to a rule to be defined (See column 3, lines 15-45, wherein there are rules for performing a guard patrol of one or more checkpoints, such as the order of the checkpoints and the time between checkpoints);

(b) assigning a date range during which the rule is valid (See column 3, lines 1-10 and 15-45, wherein the rule is valid indefinitely, as it is stored in the system and randomly assigned to a guard)

(c) determining a schedule for when said rule must be followed (See column 3, lines 20-31, wherein the guard is assigned a scheduled sequence); and

Art Unit: 3623

(d) setting the number of required checkpoint visits for each location of said guard patrol (See column 3, lines 15-45, wherein visits to the checkpoints are defined and required).

As per claim 31, Vanacore teaches wherein said date range of said step (b) is selected from the group consisting of the rule being valid indefinitely, the rule being invalid after a specified date and the rule being valid only between an assigned range of dates (See column 3, lines 1-10 and 15-45, wherein the rule is valid indefinitely, as it is stored in the system and randomly assigned to a guard).

As per claim 33, Vanacore teaches the step of determining a time range for each day during which said rule is effective (See column 3, lines 15-45, wherein there is a time allocation during which the guard must make it through the checkpoints for the tour to be effective).

As per claim 34, Vanacore teaches the step of reporting an exception anytime a checkpoint is not patrolled pursuant to said defined rule (See column 3, lines 45-55, wherein is it reported via an alarm when the tour does not follow the defined rules).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vanacore (U.S. 4,672,654).

As per claim 32, Vanacore teaches wherein said schedule of said step (c) is assigned for a specific guard at a specific time (See column 3, lines 20-31, wherein the guard is assigned a

Art Unit: 3623

scheduled sequence). However, Vanacore does not expressly disclose that the schedule is assigned to specific days of each week, specific days of each month, or specific days of each year.

Vanacore discloses that a guard is scheduled a specific tour based on a selection by the control system. Examiner takes official notice that it is old and well known in the art of scheduling employees to assign a specific assignment to a specific day. It would have been obvious to one of ordinary skill in the art at the time of the invention to include assigning a specific tour (with checkpoints) to a specific day on the calendar in order to more efficiently communicate which tour is to be followed to the tour guard.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Berube (U.S. 5,572,192) discloses a guard tour system with a control center.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is 571-272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd

bvd

March 28, 2007

Beth Van Dora
AU 3623